



## Municipal Compliance Fact Sheet

# Closed & Inactive Landfills

### What You Should Know About This Issue:

As a senior municipal official representing the interest of your community, you should be aware of requirements for maintenance and monitoring of a closed or inactive landfill. Falling behind on these requirements can lead to landfill cap and drainage system failures that can create health, safety, and environmental problems, and can be expensive to repair. It can also result in the Massachusetts Department of Environmental Protection (MassDEP) or the Attorney General taking enforcement action, which can include significant financial penalties.

Even after a landfill stops accepting material, Massachusetts solid waste management facility regulations (310 CMR 19.000) require the owner and operator to properly maintain the site for up to 30 years. Owners and operators must ensure that leachate or runoff does not contaminate water resources, and gas generated as buried waste continues to decay does not pose an explosion hazard.

Facility owners and operators, including municipalities, must obtain MassDEP approval of detailed plans for closure and long-term maintenance of inactive landfills.

### Examples of Municipal Facilities & Activities Involved:

When a municipality closes a landfill in accordance with a plan approved by MassDEP, the city or town is required to inspect, maintain, monitor and report to the agency on the condition and integrity of:

- Landfill liner and final cover systems
- Landfill gas control and leachate collection systems
- Ground water, surface water and air monitoring systems
- Access roads and surveyed benchmarks

The municipality is required to engage the services of a third-party consulting engineer or other qualified professional approved by MassDEP to periodically inspect the landfill, and to correct or mitigate conditions that compromise structural or system integrity and place public health, safety, or the environment at risk.

MassDEP also periodically inspects closed and inactive landfills to ensure that they are being properly maintained, and checks to ensure that municipal inspection reports and monitoring results are being submitted to MassDEP as required.

### Common Compliance Issues:

Violations commonly observed by MassDEP at closed and inactive municipal landfill sites include failure to:

- Close inactive landfills in accordance with plans approved by MassDEP and ensure that the closures were certified by the agency.
- Meet obligations for post-closure inspection, maintenance and monitoring, and submit required reports to MassDEP. Obligations include semi-annual sampling and analysis of groundwater and surface water samples, and quarterly sampling for landfill gas.
- Maintain systems supporting required long-term care of inactive landfill sites.
- Record a notice of the landfill's existence on the deed to the property on which it is located.

When a municipality discovers that an inactive landfill site was not properly closed, an authorized local official should contact the Solid Waste section chief in the appropriate MassDEP regional office to begin developing a compliance schedule to address unmet



regulatory requirements for the site. At a minimum, MassDEP will require a landfill assessment to identify pollution sources, impacts and feasible cost-effective solutions.

### Environmental Stewardship Tips:

As land development pressures increase, builders consider parcels they might have avoided in the past. When their projects abut or encroach on old landfills or waste disposal sites, municipal officials can be caught unaware of potential environmental, health and safety impacts on new buildings and neighbors.

MassDEP strongly recommends creating a municipal “master inventory” of all closed landfills and abandoned waste disposal sites, as well as planned and proposed uses of adjacent properties, to ensure that new development will not be adversely affected by landfill gas, leachate or runoff.

A database of all *known* solid waste disposal sites in Massachusetts is available for download at [www.mass.gov/dep/recycle/solid/swfacil.htm](http://www.mass.gov/dep/recycle/solid/swfacil.htm). This database may not be all-inclusive, however, so MassDEP encourages municipalities to supplement the list with their own information. This will ensure that all possible solid waste disposal sites have been identified.

It is important to note that any redevelopment or re-use of a closed or inactive landfill site itself requires express written approval from MassDEP to ensure that the proposed use is safe and compatible with past land-filling activities.

### Technical Assistance, Outreach, Grants & Loans:

MassDEP offers periodic outreach and training sessions intended to help city and town officials and employees understand and comply with environmental requirements that apply to municipal activities and facilities.

Recent presentations co-sponsored by the Massachusetts Health Officials Association (MHOA) have dealt with closure and long-term monitoring and maintenance of inactive landfill sites. To learn more about the long-running annual MassDEP/MHOA regional seminar series, visit: [www.mass.gov/dep/service/outreach/mhoapres.htm](http://www.mass.gov/dep/service/outreach/mhoapres.htm).

### Contacts at MassDEP for More Information:

- Visit the Solid Waste Management Facilities home page on the MassDEP web site at: [www.mass.gov/dep/recycle/solid/swfacil.htm](http://www.mass.gov/dep/recycle/solid/swfacil.htm)
- Call the Solid Waste section chief in the MassDEP regional office with jurisdiction in your city or town. Find a listing of communities covered by each regional office at: [www.mass.gov/dep/about/region/findyour.htm](http://www.mass.gov/dep/about/region/findyour.htm)

Subscribe to the MassDEP e-newsletter at: [www.mass.gov/dep/public/publications/enews.htm](http://www.mass.gov/dep/public/publications/enews.htm)

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